

1 **49. ISSUE: Re: MACE: HENDERSHOTT'S CONDUCT DURING STAPLEY**
2 **INVESTIGATION AND INTEREST IN MEDIA EXPOSURE - SUBJECT:**
3 **HENDERSHOTT**
4

5 **Chief Deputy David Hendershott**
6

7 H44A. Allegedly, during the investigation of Don Stapley, Chief Deputy David
8 Hendershott instructed Deputy Chief Bill Knight to call him immediately after a
9 search warrant had been served on a building owned or controlled by Conley
10 Wolfswinkel, and then for Knight to travel to the nearest Kinko's to fax the
11 search warrant affidavit to Hendershott. According to Knight, within a short
12 period of time after he had sent the fax to Hendershott, one or more news
13 helicopters were overhead the site, and it was clear that Hendershott had
14 conveyed the information about the search warrant to the media. When Knight
15 returned to the office, Hendershott asked Knight, "Where are we hitting next?"
16 referring to the next search warrant in the investigation. Knight suggested to
17 Hendershott that the extensive documentation obtained in service of the
18 Wolfswinkel search warrant had to be reviewed first, and Hendershott's
19 response was that they needed to "keep rolling in the media" and that they
20 "gotta hit someplace next week," referring to effecting another search warrant
21 on the case. This approach by Hendershott led Knight to question
22 Hendershott's motivations about the investigation.
23

24 **WITNESS ACCOUNTS**
25

26 **Bill Knight**
27

28 Knight's position about what occurred is set forth succinctly in the allegation.
29

30 **David Hendershott**
31

32 Hendershott acknowledged that he asked Bill Knight to fax the search warrant because
33 the Sheriff wanted to put something out to the media that the search warrant was being
34 conducted. When asked if Hendershott had given any instructions to anybody to notify
35 the media immediately at any point in time in connection with the service of the search
36 warrant on Wolfswinkel's property, Hendershott's comments were as follows.
37

38 A: Well I would have, the Sheriff came to me and said hey let me know when
39 the search warrant is served so the PIOs can put something out, so that's the
40 instructions I would have gave, kind of like he states here, is that hey when, once
41 you're in, fax the search warrant and they said to me but I didn't get it, it would
42 have gone to PIOs. The comment about where are we hitting next, you know
43 what...
44

1 Q: Well to your knowledge was someone instructed, the PIOs, were they
2 instructed to contact the media so that media would be out there at the same time
3 that law enforcement was in the process of serving a warrant?
4

5 A: Sure and Sheriff Arpaio did that. (p. 17, Exhibit II16g)
6

7 According to Hendershott, it was Sheriff Arpaio who told the PIOs to get the information
8 about the search warrant out to the media right away. Hendershott did not feel that
9 there was anything improper about the Sheriff's order.

10
11 Bill Knight had indicated that when he returned to the office, after serving the search
12 warrant, Hendershott asked Knight, "Where are we hitting next?" When asked if
13 Hendershott had posed the question, his response was as follows.
14

15 A: I don't remember. If I did it's, it doesn't, I don't know I guess my
16 reaction is so what but I don't remember saying anything to him when he got
17 back. (p. 18, Exhibit II16g)
18

19 Hendershott also did not recall whether Knight had suggested that documentation and
20 the service of the Wolfswinkel warrant had to be reviewed first before he proceeded with
21 other search warrants. He said it would not be uncommon to "leap frog" from "there to
22 somewhere else," and then review the documentation. The following further dialogue
23 took place in the interview.
24

25 Q: Did you say to Knight, "We got to keep rolling in the media" and "we got
26 to hit someplace next weekend?"
27

28 A: I don't remember ever saying that but you know the, you know the I just
29 don't remember every saying that. More likely I would have said something like
30 you know, you got to get through this material quick and see if there's anything
31 else hanging out there so. (p. 18, Exhibit III16g)
32

33 Hendershott denied having any recollection of making those statements, adding that
34 there was "always a sense of urgency to get through what you got and move on...." (p.
35 19, Exhibit II16g)
36

37 When it was suggested that Hendershott wanted the media kept abreast of all of the
38 investigative developments, Hendershott's comments were as follows.
39

40 A: Well the Sheriff wants our stuff in the media, I mean that's no secret. He
41 always, we're not a CIA operation, he wants the press to know because he wants
42 the people to know. He's openly criticized and so as we do things the Sheriff
43 always wants stuff, and Bill knows that. And there's nothing wrong with that.
44 You know if you do something and you make progress and if you're in an office
45 that's got an elected Sheriff or you know an elected County Attorney and you do

MCSO Investigation No. M081710, Principals: Hendershott, Black and Fox
Report of Administrative Investigation by PCSO
April 11, 2011

1 work and you don't let the people know that you're doing your job okay, that's
2 not a good thing. It's different in a regular police department because they're
3 bureaucrats, they don't care, they really don't care. I mean, you know. (p. 19,
4 Exhibit II16g)
5